

ATTACHMENT 1

Department of Homeland Security
Wilson Blvd. Ste. 300
Arlington, VA 22209



U.S. Citizenship
and Immigration
Services

9-13-06

SEP 13 2006

~~1111~~ Elden Street
Suite ~~201~~
~~Herndon~~, Virginia ~~20170~~

RE:

NOTICE OF INTENT TO DENY

Dear Ms. Sheibeh,

The purpose of this letter is to notify you of the intent to deny your request for asylum. U.S. Citizenship and Immigration Services (USCIS) has carefully considered your written application and accompanying documents, available country conditions materials, and your oral testimony to reach this determination for the reasons given below.

In presenting your request for asylum, you indicated that you are a 31-year-old female native and citizen of Iran, and you stated that you entered the United States at JFK, New York City on April 15, 2006 and you were admitted as a B-1. Your non-immigrant visa status will expire on October 14, 2006.

You are represented by Ms. Nazanin M. Nasri of the Law Offices of Nazanin M. Nasri. The interpreter at your asylum interview was Fereshteh Ahrabi. Your attorney prepared the I-589 asylum application.

You fear that you will be harmed by Islamic Revolutionary Guards of Iran on account of your political opinion.

You testified that you were a child when the Islamic Revolution occurred in Iran and that the Islamic Committee at your high school often gave you warnings and insulted you for having a few strands of hair uncovered or for arguing with your religious teacher about the rights of women. You lived with your father and stepmother growing up and grew up with a sense of hatred and anger toward the Islamic regime because of your father's mistreatment of your mother. After graduating high school, you attended North Azad University in Tehran and graduated in 2002 with a master's degree in fisheries.

Page 2

At the university, you were not allowed to socialize with male classmates on school grounds and you got into trouble on several occasions. One time during the summer of 1995, you were arrested at a party and detained for two days at the Vozara Committee. The arrest and detention created a file for you and after graduating, you could not get a government job and was rejected because of your arrest record. You went to work for your father-in-law as a Manager of the Nakhle Zarin Sport Club. You played Arabic music in your aerobic class and danced to music taped from Iranian TV programs on satellite television from California. One day, during aerobic exercise two female revolutionary guards with guns entered the class and after insulting the women, forced them out and took you to their office at the local committee where they interrogated, insulted you for three hours, and threatened to put you in jail if you continued with the dancing classes. They accused you of corrupting the women by playing western music and forced you to sign some papers without giving you a chance to read them. You were very depressed after your release and only went back to work teaching swimming classes. You further stated that one night after the leaving the club, a committee car stopped and asked where you were going at that time of night. You told the guard that you were coming back from work. You lost control and told the guard that you wished you had been born in another country and that the regime of Mullahs had made our lives miserable. The guard forced you into his car and took you to the Voraza committee where two female guards took your purse, did not allow you to call your family, searched your body and pushed you around and called you names. You were hungry, fearful, and when you asked for food, they laughed at you. You could not sleep all night and in the morning, a mullah reviewed your file and after lecturing and threatening you with prison, allowed you to call your husband. You were ordered to appear in Islamic court in three days. You appeared in court, your husband was insulted and blamed for allowing you to go out alone at night. You paid a big fine, signed a commitment that if arrested in the next five years, you would suffer imprisonment and would receive lashes. You left Iran and came to the United States to visit friends. Two nights before your departure, you conducted a dance class at your house and one of the neighbors alerted the guards. After arriving in the United States, your mother and your father-in-law advised you to stay because the local committee revoked your father-in-law's license and were out looking for you. You applied for asylum because you are certain that if you returned, you will be arrested and severely punished.

You have presented testimony that was believable, consistent, and sufficiently detailed. Therefore, you are found to be credible.

In order to receive asylum, an asylum-seeker must show actual past persecution or a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group or political opinion. 8 U.S.C. §§ 1158, 1101(a) (42); 8 C.F.R. § 208.13(b).

The events you described both individually and cumulatively do not constitute past persecution. The arrests and detention that you described were brief and you did not establish that the harm you suffered was serious enough to constitute persecution.

Page 3

You also claim to have a fear of future persecution. To establish a well-founded fear of future persecution, an asylum applicant must show that his or her fear is both subjectively genuine and objectively reasonable. An asylum applicant may establish an objectively reasonable fear by demonstrating that there is a reasonable possibility of suffering persecution.

Accordingly, it is the applicant's burden to establish that:

- (1) she or he possess (or is believed to possess) beliefs or characteristics the persecutor seeks to overcome in others;
- (2) the persecutor is already aware, or could become aware, that she or he possesses these beliefs or characteristics;
- (3) the persecutor has the capability of persecuting the applicant; and
- (4) the persecutor has the inclination to persecute the applicant.

See *Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987).

You failed to meet the modified *Mogharrabi* test for well-foundedness in that, you did not demonstrate that the authorities had the inclination to persecute you. Your fear of harm is also found not to be subjectively genuine. On three different occasions following the incidences you described, you traveled out of the country and returned there without suffering any harm. According to your testimony, you traveled to England to visit your sister, returned and did not suffer any harm. Also, you traveled to Armenia, returned and did not suffer any harm. Your last trip was to Dubai to pick up your visa to the United States after which, you returned to Iran and again, did not suffer any harm. Your travels in and out of Iran undermine your fear of future harm. As such, your fear of future persecution is not subjectively genuine.

An applicant can establish a well-founded fear of persecution by showing that he or she will be singled out for persecution or that there is a pattern or practice of persecution of groups of persons similarly situated to the applicant on account of one of the five characteristics in the refugee definition. 8 C.F.R. § 208.13 (b) (2)(iii). You have failed to establish that you are similarly situated to any group of persons subject to a pattern or practice of persecution.

For these reasons, you have not shown there is a reasonable possibility of suffering the persecution you fear.

For the reasons explained above, USCIS has found that you are not eligible for asylum status in the United States.

You can provide rebuttal to this notice in support of your request. You have sixteen (16) days [6 days total for mail included] from the date of this notice to submit such rebuttal or new evidence. Failure to respond to this notice within this allotted time may result in the denial of your request for asylum.

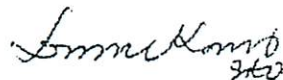


Page 4

Please direct any response to the address on this letterhead. Mark both the envelope and the contents as follows:

Attention: File Number A Rebuttal -- ZAR 158

Sincerely,



for John Kramar
Asylum Office Acting Director

cc: Nazanin M. Nasri
Law Offices of Nazanin M. Nasri
2000 N. 15th Street, Suite 103
Arlington, VA 22201

ATTACHMENT 2

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
ARLINGTON, VIRGINIA

In the Matter of:)
TJEW, Nget Jui)
A79-476-365)
_____)

IN REMOVAL PROCEEDINGS

GOVERNMENT'S SUBMISSION OF DOCUMENTS

The Government intends to introduce the following documents into evidence at the merits hearing for this case. Copies of the document are attached hereto.

1. State Department Country Report for Indonesia, dated February, 2001;
2. Asylum Office Referral Assessment, dated July 31, 2001.

Respectfully Submitted,



Michael M. Metzgar
Assistant District Counsel
U.S. Immigration and
Naturalization Service
4420 N. Fairfax Drive
Room 500
Arlington, VA 22203

mailed 11-7-01

REFERRAL ASSESSMENT

Alien Number: 79 476 365

Date: 07/31/01

Name: Nget Kui Tjew

Asylum Officer: Laurie O'Bryon, ZAR164

Country: Indonesia

Reviewing Officer: Ellen Johnsen

Location: ZAR



The applicant indicated that she is a 49 year-old female, native and citizen of Indonesia who entered the United States at New York on February 5, 2001 and was admitted as a B2 visitor and applied for asylum on June 5, 2001. Applicant filed within the one-year filing deadline.

The applicant fears that she will be harmed by the Indonesia-Malay citizens of Indonesia on account of her Chinese ethnicity.

The applicant testified that during the May 1998 riots, her beauty salon was burned down. On February 5, 1999, applicant and a friend were traveling in a pedicab when they were ordered to get out. Two native Indonesians robbed them of all of their money and valuables and held a knife to applicant's throat.

Applicant presented testimony that was believable, consistent, and sufficiently detailed and therefore the applicant is found to be credible. The events the applicant described and the harm the applicant fears are not found to have been on account of one of the five protected grounds. The robbery described by the applicant seems to be generalized street crime, and while applicant may have been chosen as a victim because of her Chinese ethnicity, there is no indication that the police or government were unwilling to assist her. Applicant chose not to file a report with the police because she was afraid to do so. The RIC received information from ICANET (Indonesian Chinese and American Network) in an e-mail dated March 28, 2001 (ICANET can be contacted through their website, <http://www.icanet.org/>), in response to a question about "Other everyday crimes against CI? [Chinese Indonesians], A: In general crimes are increasing everyday against anybody. Extortions against the ethnic Chinese Indonesian are commonplace and generally unreported."

As to the May 1998 riots, media reports indicate that a government-appointed investigative team concluded on November 4, 2000, that the May riots were orchestrated by pro-government militants, including rogue elements within the armed forces, aimed at justifying the imposition of emergency rule and keeping Suharto in power. (Keith B. Richburg, *Broken Lives*, *Washington Post Foreign Service*, December 23, 1998). Those affected were primarily, but not entirely, Chinese.

As of October 1999, a free and fair election installed a new government in Indonesia, and country conditions reports state that official policies towards the Indonesian Chinese have

actually improved.

In January President Wahid issued Presidential Decree No. 6, which repealed the ban (passed in 1967) on the practice of Chinese religion (Confucianism), beliefs, and customs. Ethnic Chinese celebrated New Year's openly for the first time in over 30 years. ... The Government restricts the import of Chinese-language publications and music. There are seven locally-published Chinese language newspapers. In November a new independent television station, Metro TV, began broadcasting 2 hours of news in Mandarin per day. The program was the first Chinese-language television broadcast in the country since 1965. ... The Chinese language now may be taught, spoken, and printed, and private instruction in Chinese no longer is prohibited. Some universities, including the University of Indonesia, offer Chinese-language instruction. A number of private institutions openly offer courses as well. Chinese-language publications in the country no longer are banned. ... Authorities no longer are required to note a special code on the national identification card for citizens of Chinese extraction. However, some Sino-Indonesians have claimed that this practice continues. See U.S. Department of State, "Indonesia," *Country Reports on Human Rights Practices for 2000*, <http://www.state.gov/g/drl/rls/hrrpt/2000/eap>, accessed 8/1/01.

Given the recent change in government, it is not possible to say in which direction the official policy is heading, nor whether the new government will be able to control the crime rate. There is no indication at this date that the official policies will change.

There have been ongoing conflicts between Muslims and Christians in Indonesia, but these seem to be primarily in the Moluccan islands, and in general haven't worsened since the time of applicant's departure from Indonesia. Human Rights Watch. *World Report 2001* (New York: Human Rights Watch, December 2000), p. 203.

The applicant also claims to have a fear of future persecution. However, as explained above, the applicant has failed to show that the harm she fears is on account of one of the five protected grounds and that the government is unable or unwilling to protect him.

For the foregoing reasons, applicant is not eligible for asylum status in the United States. Assessment is to refer to Immigration Judge.

ATTACHMENT 3

APPENDIX

ASSESSMENT TO REFER

Applicant is a 33-year-old male native of India and citizen of India.

Applicant credibly testified he entered the United States without inspection on June 8, 1994, at San Ysidro, CA, and was admitted as a [sic] and showed by clear and convincing evidence that he timely filed.

Applicant fears that he will be harmed on account of his political opinion.

Applicant testified that he was a member of the All India Sikh Student Federation (Federation). As a member of the Federation, Applicant collected funds and pasted posters. He was arrested four times. He was arrested April 3, 1990; March 10, 1991; December 1991; and December 29, 1993. After each arrested [sic] Applicant was detained for various lengths of time and was beaten and tortured by the police.

Applicant presented testimony which was [**31] not consistent or sufficiently detailed. Therefore, he was not found to be credible.

Applicant presented testimony which was not consistent. Applicant's declaration indicates that his second and third arrest were in June 1991 and January 1992; not as he testified on March 10, 1991 and December 1991. Applicant's testimony regarding his third arrest was also inconsistent, he testified that his third arrest was in December 1991, then January 1992, then December 1993 back to December 1991 and then January 15, 1992. Applicant determined that his third arrest was on January 15, 1992 after it was pointed out that he could not have been detained for one month was [sic] December 1991 to January 1992 and be released after the February 1992 elections as he had testified. Applicant also testified that he left India on June 2, 1994, however, he also testified that after his last arrest in December 1993 he was detained for one month and upon his release, he left India within a few days time. This information is material to Applicant's claim because he testified that he was [sic] left India due to these arrests.

Applicant presented testimony which was not detailed. Applicant [**32] was repeatedly asked to describe his arrests and his political activities. However, he was unable to provide any information beyond a short declarative sentence that the event happened. This information is material to Applicant's claim because he testified that he left India due to these arrests which occurred after he engaged in political activity.

Applicant has not shown there is a reasonable possibility of suffering the persecution that he fears.

For the foregoing reasons, the applicant is not eligible for asylum status in the United States. Assessment is to refer to the Immigration Judge.

CONCUR BY: Edward Leavy

CONCUR

LEAVY, Circuit Judge, concurring:

I concur in the result. The adverse credibility determination is not supported by substantial evidence.



ATTACHMENT 4

File No: A ~~92-1000~~

Dated: May 4, 2007

1 YR REFERRAL ASSESSMENT

ZAR	Officer Name:	D. Lewis <i>[Signature]</i>	Date: 9/12/2005
		ZAR006	
Applicant's Name:	XXXXXXXXXX, XXXXX XXXXXXXXXX	COUNTRY	A XXXXXXXXXX
		CONGO (DRC)	
Supervisor:	A. Sulucz, ZAR 179 <i>AS</i>	Concur:	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>

Not filed timely, applicant did NOT establish entry date or whereabouts outside of US, no exceptions found.

Applicant indicated that she is a thirty-five year-old married female, a native and citizen of the Democratic Republic of Congo (DRC) who claims she arrived in the United States on May 6, 2005 at the WAS/Dulles International Airport in VA where she was admitted using a French passport with an unknown name. No NIIS records could be checked because she claims she did not know the name used on the passport. Based on the applicant's own admission she is not in a valid status.

Applicant fears persecution by government forces in the Congo (DRC) on account of her husband's political activities.

Applicant failed to demonstrate by clear and convincing evidence that her application was filed within one year after her last arrival. She filed her application for asylum on August 3, 2005. To be considered as having file her application for asylum in a timely manner, she must establish by clear and convincing evidence that she arrived in the United States on or after August 2, 2004. The applicant failed to provide convincing testimony or documentation that she arrived during this one-year period. Her claim of having been detained and raped at Camp Tshatshi in Kinshasa by a Congolese Commandant because her husband was communicating with a former Mabutu presidential guard, was found not credible.

Further, the applicant failed to establish by clear and convincing evidence that she was outside of the US within the one-year period immediately prior to the date of filing. She failed to provide convincing testimony or any factual documentation about her journey. She claims her husband helped her escape from Kinshasa by using a friend from Brazzaville who was a French citizen and smuggled her into the U.S. as his wife after flying to South Africa and the US on South African Airlines. NIIS failed to reveal any records of the claimed arrival and she provided no other documents in support of her claimed arrival.

Applicant's testimony, country conditions, and applicable U.S. law do not indicate any changed circumstances which materially affect applicant's asylum eligibility, nor are there extraordinary circumstances that directly relate to the delay in filing.

Country conditions do not support that there are changed circumstances, which materially affect

applicant's asylum eligibility. Reliable country conditions between 2002-2003 are reported by:

http://news.bbc.co.uk/1/hi/english/world/africa/newsid_1134000/1134890.stm.

The Kabila Government controls roughly one half of the country - the other half is in the control of rebel forces. The Kabila Government's human rights record is poor. Citizens do not have the right to change their government peacefully. Security forces have reportedly been responsible for numerous extra judicial killings, disappearances, torture, beatings, rape and other abuses. In general, security forces committed these abuses with impunity although a special military tribunal tried and executed some security force members for human rights abuses. The special military tribunal tried civilians for political offences and executed civilians, often with total disregard of due process. Security forces have reportedly used excessive force and committed violations of international law in the war that started in August 1998.

Freedom in the World- 2004 Annual Report- Congo (DRC).

The signing of a peace agreement in July 2002 between the Democratic Republic of Congo (DRC) and its main external adversary, Rwanda, raised hopes that real progress could be made in ending the four-year war. The agreement requires President Joseph Kabila's government to disarm the Rwandan Hutu militia, the Interahamwe, which was responsible for the massacre of about 800,000 Tutsis and moderate Hutus in Rwanda in 1994. The agreement also obliges Rwanda, which entered the DRC ostensibly to pursue Interahamwe, to withdraw its troops. The Rwandan government said nearly all of its 20,000 forces had withdrawn by November. Uganda, Zimbabwe, Angola, and Namibia were near completion of withdrawal of their troops. However, the United Nations said in a report in October 2002 that the initial motivations for the war have been replaced largely by economic interests. The armies of Uganda, Zimbabwe, and Rwanda have, the UN report said, established permanent paramilitary and criminal proxies in the DRC to control that country's trade in diamonds, gold, and other natural resources. Unless there is large-scale disarmament, the withdrawal of foreign troops could lead to more instability as rival militias and factions battle for control.

Because applicant's I-589 was untimely filed and there are no changed or extraordinary circumstances which would result in the application being excepted from the filing deadline, applicant is prohibited from filing for asylum and his application rejected under INA Sec. 208 (a) (2) (B) & (D) and 8 C.F.R. Sec. 208.4 (a).

~~73~~

ATTACHMENT 5

IN THE PICTURE MR. OMAR KHAMIS HEMED DISLOCATED HIS HAND BY
GOVERNMENT SECURITY BEATING AND KICKED



Exhibit 3.4B 4 B

ATTACHMENT 6

WARRANT OF COMMITMENT ON
A SENTENCE OR IMPRISONMENT
OR FINE

Judicial Form 112

COURT FOR ZANZIBAR

IN THE DISTRICT COURT

HOLDEN AT MWANAKWEREKWE
ZANZIBAR

TO

THE COMMISSIONER OF PRISONS

KILIMANI - ZANZIBAR

WHEREAS on the 28th day of MAY 2010

OMAR KHAMIS HEMED OF TOMONDO

the 1st, 2nd, 3rd CONVICTED prisoner in Case No. 121 / 2010 19

was convicted before me M. A. STEIN (DM) Esquire

of the offence of DISSEMINATING FALSE INFORMATION

LIKELY TO CAUSE BREACH OF PEACE

punishable under section 114(a)(b) & of 74(1)(b) of Act No 6/2004

LAWS OF ZANZIBAR

and was sentenced to

IMPRISONMENT AT EDUCATIONAL CENTRE

FOR FIVE YEARS

This is to authorise and require you to receive the said OMAR KHAMIS HEMED

OF TOMONDO - ZANZIBAR

into your custody in the said Prisons

together with this warrant and there carry the aforesaid sentence into execution according to law.

Given under my hand and the Seal of the Court, this 28 day of

MAY 2010

Exhibit 3.2C

EXHIBIT 3.2C

ATTACHMENT 7



**U.S. Citizenship
and Immigration
Services**

March 1, 2012

NRC2012015263

David L. Cleveland
Attorney at Law
924 G Street NW, #225
Washington, DC 20001

Dear David L. Cleveland:

We received your request for information relating to Omar Khamis Hemed on March 01, 2012.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: NRC2012015263. Please cite this number in all future correspondence about your request.

We respond to requests on a first-in, first-out basis and on a multi-track system. Your request has been placed in the simple track (Track 1). You specifically requested a copy of asylum application and notes. If you would like a copy of all your records, please send a written request to the address above, otherwise you will only receive the documents specified.

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

This office will be providing your records on a Compact Disc (CD) for use on your personal computer. The CD is readable on all computers through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. To request your responsive records on paper, please include your control number and write to the above address Attention: FOIA/PA Officer, or fax them to (816) 350-5785.

USCIS no longer collects Social Security Numbers in connection with FOIA or PA requests. When forwarding to us any documents related to your request, please ensure any Social Security Numbers on the documents are blanked out or removed.

The National Records Center (NRC) has the responsibility to ensure that personally identifiable information (PII) pertaining to U.S. Citizenship and Immigration Services (USCIS) clients is protected. In our efforts to safeguard this information, we may request that additional information be provided to facilitate and correctly identify records responsive to your request. Though submission of this information is voluntary, without this information, your request may be delayed while additional steps are

NRC2012015263

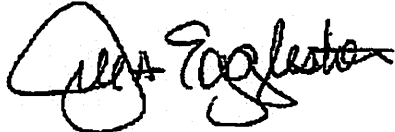
Page 2

taken to ensure the correct responsive records are located and processed. Further, if we are unable to positively identify the subject of the record we may be unable to provide records responsive to your FOIA request.

You may check the status of your FOIA request online, at www.uscis.gov. Click on "FOIA Request Status Check" located on the left side of the web page under "Other Services", and follow the instructions. If you have any questions concerning your pending FOIA/PA request, or to check the status of a pending application or petition, please call The National Customer Service Center at 1-800-375-5283. Please be aware that the National Records Center no longer accepts FOIA/PA related questions directly by phone.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the control number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, or sent by fax to (816) 350-5785. You may also submit FOIA/PA related requests to our e-mail address at uscis.foia@uscis.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill A. Eggleston", written over a circular stamp or seal.

Jill A. Eggleston
Director, FOIA Operations

U.S. Department of Homeland Security
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

August 8, 2012

NRC2012015263

David L. Cleveland
Attorney at Law
924 G Street NW, #225
Washington, DC 20001

Dear David L. Cleveland:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office March 01, 2012 regarding Omar Khamis Hemed.

We have completed the review of all documents and have identified 614 pages that are responsive to your request. Enclosed are 584 pages released in their entirety, and 11 pages released in part. We are withholding 19 pages in full. In our review of these pages, we have determined that they contain no reasonably segregable portion(s) of non-exempt information. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(5) and (b)(6) of the FOIA

The following exemptions are applicable:

Freedom of Information Act 5 U.S.C. § 552 (b)(5)

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing pre-decisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Freedom of Information Act 5 U.S.C. § 552 (b)(6)

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, drivers' licenses, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

As a result of discussion between agency personnel and a member of our staff, as a matter of administrative discretion, we are releasing computer codes found on system screen prints previously withheld under exemption b(2). There may be additional documents that contain discretionary releases of exempt information. If made, these releases are specifically identified in the responsive record. These discretionary releases do not waive our ability to invoke applicable FOIA exemptions for similar or related information in the future.

NRC2012015263

Page 2

The enclosed record consists of the best reproducible copies available. Certain pages contain marks that appear to be blacked-out information. The black marks were made prior to our receipt of the file and are not information we have withheld under the provisions of the FOIA or PA.

If you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139, within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with the bureau, you must address these issues with your nearest District Office.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the control number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, or sent by fax to (816) 350-5785. You may also submit FOIA/PA related requests to our e-mail address at uscis.foia@uscis.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill A. Eggleston", written over a horizontal line.

**Jill A. Eggleston
Director, FOIA Operations**



**U.S. Citizenship
and Immigration
Services**

September 25, 2012

APP2012000905

David L. Cleveland
Catholic Charities
924 G Street, NW, Suite 225
Washington, DC 20001

Dear Mr. Cleveland:

Re: NRC2012015263

You appealed the action of the National Records Center regarding your request for access to records pertaining to Omar Khamis Hemed, dated March 01, 2012. The original determination of the National Records Center was to withhold 11 pages in part and 21 in full.

After careful consideration of your appeal, and as a result of discussions with the National Records Center, we have decided to release 15 additional pages to you, copies of which are enclosed. We are releasing 13 pages in part and 2 in full. We have redacted information pursuant to 5 U.S.C. §§ 552 (b)(6).

On the remaining pages, we found that the National Records Center properly withheld certain information that is protected from disclosure. We have determined that this information is not appropriate for discretionary release. Asylee interview notes and/or asylum officers' findings are appropriately withheld pursuant to 5 U.S.C. § 552(b)(5). See *Phillips v. Immigration and Customs Enforcement*, 385 F.Supp.2d 296, 302-03 (S.D.N.Y. 2005).

In your appeal letter, you requested a Vaughn index; however, at this stage a Vaughn index is not given or required. See *Vaughn v. Rosen*, 484 F. 2d 820 (D.C. Cir. 1973). Your request that we itemize and justify each item of the information withheld is denied. You are not entitled to such a listing at the administrative stage of processing FOIA requests and appeals. See *Judicial Watch v. Clinton*, 880 F.Supp. 1,11 (D.C. Cir. 1995).

If you are dissatisfied with our action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B). The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. The OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Sincerely,

Alan D. Hughes, Associate Counsel
Commercial and Administrative Law Division
Department of Homeland Security